

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
Sysco Corp. v. Agri Stats, Inc., et al.,
Case No. 21-cv-1374 (D. Minn.)

Civil Action No. 18-cv-01776

Honorable John R. Tunheim
Honorable John F. Docherty

DEFENDANT TRIUMPH FOODS LLC'S RESPONSE TO
CARINA VENTURES LLC'S LOCAL RULE 7.1 MEET AND CONFER STATEMENT

Carina Ventures LLC (“Carina”) seeks to substitute for plaintiff Sysco Corporation (“Sysco”). Carina is somehow affiliated with Burford Capital, but its relationship to Sysco, and the circumstances of its antitrust “investment” and role in this litigation remain shrouded in mystery.

In seeking this late substitution, Carina provided no background, nor did counsel for Carina make any effort to discuss the impact that this late substitution may have on these proceedings. Nor did counsel raise any of these issues when the parties were before the Court just hours earlier. Instead, counsel sent an email to defense counsel stating that they intended to seek substitution, would be filing that afternoon, and asked whether defendants “have any objection to the motion.”

With its motion, Carina provided a meet and confer statement, purportedly in compliance with Local Rule 7.1 (Doc. No. 1941). In its submission, counsel for Carina states that it attempted to meet and confer with Counsel for Triumph Foods, and that the undersigned counsel stated, “I don’t have enough information to respond.” That is an incomplete representation. In fact, the undersigned counsel stated: “I don’t have enough information to respond. **I would like to understand the circumstances and, if for example, you are making the new plaintiff available for deposition.**” (emphasis added).

In a meaningful meet and confer, one would expect that some actual discussion or “meet and confer” would have followed this exchange. Perhaps even an answer to the question posed. Triumph received no response. And while the submission represents that others do not consent, the “meet and confer” notice neglects to mention that other defendants also asked for additional information.

Carina’s submission does not satisfy either the letter or the spirit of any meaningful meet and confer and the request should be denied on that basis alone.

Dated: June 29, 2023

s/Christopher A. Smith

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